1: Nadel E-5 (1934-1936) 1942
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against the ruling chief whom he regarded as an usurper. He refused the chief the use of the sacred insignia—the bangles of Tsoede—without which the annual chief's ritual cannot be performed. Finally, in 1934, he asked me to intervene for him so that he should be given official authority to keep in his possession the invaluable insignia, which the chief was demanding back not so much for religious reasons (for some of his brothers and sons were already posing as Mohammedans), as in order to deprive the rival family of this convincing evidence of their claim to the rule of Doko. The case remained undecided, and the rivalry between the two men unrelieved, till in 1936 the chief offered the 'pretender' official recognition of a sort, namely, the title *Makũ*. The highest rank next to the chief's, *Shaba*, had just fallen vacant, and a reshuffle of titles had taken place. Ndakó Gana, however, rejected the title *Makũ*—a new title, introduced *ad hoc* (copied from the dynastic ranks in Bida)—as a meaningless, makeshift sort of rank and demanded instead the rank of *Shaba* itself. The deadlock was finally overcome by an appeal of both parties to the *Etsu*; he managed to persuade the young man to accept the offered rank, at least as an earnest, and as more fitting to his age.

VILLAGE GOVERNMENT

622 The tasks of government which fall to the village chief are these:

1. He appoints the village elders from the ranks of the family heads and is thus bound, as by a constitution in the modern sense, to accept their co-operation and advice in all matters of village government.
2. He controls the land resources of the community and in this capacity apportions farm-land, trees, fishing rights, and levies certain tributes and land dues from the families holding village land. With this aspect of village government we shall deal later on in detail, in the chapter on land-tenure.
3. He is not, as we have seen, the religious head of the community. But he organizes, directly or indirectly, and partly finances, certain religious rites linked with chieftainship.
4. He arbitrates in litigation and wields (though now only on a limited scale) a certain informal judicial power.
5. He organizes all large-scale co-operation and concerted action of the village community.

We have already spoken of the composition of the village council and the co-operation between chief and elders. Let me add some concrete data to illustrate the working of the village 'constitution'.

627 A Doko farmer had quarrelled with a neighbour over some trees; people from a village near Mokwa came into Mokwa to borrow masks for the *elo* ritual which they were going to perform, having lost their own masks; a family head in Sakpe accused his sister's son who lived in his house of having stolen rice from his farm; a girl in Laboži denounced two strangers who had been given hospitality by a neighbour and whom she saw stealing their host's clothes; a young man in Jebba accused his wife of adultery; another man in Jebba complained that a certain hunter

1: Nadel E-5 (1934-1936) 1942
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who was reputed to possess strong and deadly magic had threatened his life; a family head in Kutigi that his family was too highly taxed; a man in Pichi that a neighbour had beaten his goat (which the other man had found eating his grain): these are some of the cases which a village chief and his elders may daily be called upon to decide.

The procedure is nearly always the same. The various news, requests, or complaints are communicated at once to the chief, directly, if the supplicant or bearer of the news has the chief's ear, that is, is himself a titled elder, and indirectly, through the family head or the *efutsó* (head) of the *efu* in which he lives, if the bearer of the news is an ordinary peasant. Upon receiving the news the chief will summon the head *nūsa* (the *Shesha* in Mokwa, the *Lile* in Doko, the *Ndeji* in other villages), and he in turn will call together the other members of the council whose co-operation is required: two or three of the senior elders—the members of the 'inner council'—and always the *nūsa* to whose kinship group or *efu* the litigant or supplicant belongs. Not only does this *nūsa* act, as we have seen, as the official informant of the chief on all matters concerning his group and locality, but his intimacy with the people whose case is to be heard, and his moral influence, make him an important witness and, when a decision has been reached, a guarantor of its execution. Before this tribunal, then, supplicants and litigants in the village appear. The discussion that ensues is informal, and devoid of the stiff procedure that characterizes, for example, the Native Court. Supplicant or plaintiff state their case in a few sentences—the Nupe are not fond of long speeches and elaborate expositions. Obscurities in the statement are unravelled in patient cross-examination, in which everyone present can take part. Then, at one point, the chief or a *nūsa* may suggest a solution, which may be agreed to by the others with the stereotyped expression *u ge*, 'it is well', or revised in renewed discussion. Very rarely do tempers flare up and the discussions become heated. The final decision of the chief and his council is pressed home in the form of advice, persuasion, warning. A discussion of this kind rarely lasts longer than two or three hours, after which time it will be interrupted to be resumed on a following day. Mostly one or two sessions suffice to arrive at the final decision.

But then, in more difficult cases in which many witnesses have to be called and thorny problems of arbitration settled, the decision is taken out of the hands of the village executive. For the chief is not entitled to dispense formal justice and to enforce arbitration. He must send all legal cases to the professional Mohammedan judge (*Alkali*) of the district; moreover, litigants who are dissatisfied with the chief's decision may themselves bring their case before the professional judge or the District Head (a point to which we shall return later). This limitation of village jurisdiction makes it impossible to pronounce in more detail on the efficiency of the village council and the way in which it handles, or could handle, more severe conflicts. The gamut of advice, persuasion, and warning is the only one which it can use: the more strident notes of authoritative orders and severe reprimands are outside its scale.

That they, too, have a rightful existence in the administration of village affairs is shown in the organization, by chief and elders, of all concerted

2: Nadel E-5 (1934-1936) 1954
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entrance hut. The priest informs the chief that the ritual has been completed and the chief replies—'It is well; (after) what has been done, may God give that we pass through (endure) this year, and that the next years may pass (in well being).' From the chief's house the congregation repairs to the home of the priest, where they stay to drink the rest of the beer. Meanwhile women and young men, who were not allowed to see the earlier part of the ceremony, have gathered outside the house and drums have been brought out. A dance begins in which the old men alone are supposed to perform; actually, the younger men (not the women) join in later, but they are only suffered to take part and are sometimes stopped, though not very seriously. Later the whole crowd walks in procession through the village, 'saluting' on the way the houses of the various family heads and finally stopping at the dancing ground. Here the dance is resumed, in an unexcited fashion, until nightfall, when both the dance and the ceremonial come to an end.

We noticed, in the *žiba* prayer, the emphasis on 'this year and next' and on 'new things', that is, on the completion of a phase, and on continuity and renewal. This idea is even more concretely expressed; for immediately after the ceremony the skin of the goat that had been sacrificed is sewn into a sack, shaped like bellows, to be kept in the priest's house until next year's ritual. There it will serve as an instrument of ordeal, anyone accused of a crime being able to protest his innocence by touching the bag: if he lied, his body would swell up ('like the bellows'). Thus the protection of the law and the punishment of crime are renewed year by year by the force of this *kuti* concerned with the 'doing of new things'.

The *gunnu*, unlike most other Nupe rituals, has its special myth, which relates how the ceremonial originated and also explains, if only in an elliptic and cursory fashion, one or two features of the actual practice.[1] It tells of a mysterious stranger who, many generations ago, came to live among the Beni, in a small hill village in the north, close to the border of Gwari country. After a while he developed leprosy, was looked after by the kind-hearted villagers, and eventually died. As was the custom, the body of the leper was abandoned in the uninhabited bush on the top of the hill. Later, it was found that the body had miraculously disappeared and that in its place there had appeared a patch of pure white sand. The villagers then realized that the stranger had been no ordinary mortal and that God himself had buried him. They planted a tree on the place and instituted a big ceremony to be performed annually, so that the *kuci* of the dead should be propitiated and duly worshipped. The ritual, which is said to have

[1] A much more detailed description of the ritual and the full texts of the *gunnu* songs are given in *J.R.A.I.*, 1937, vol. LXVII.

3: Forde E-4 (no date) 1955 FF52 Nupe FF52

LEGAL PROCEDURE

627 The village head has limited and informal judicial powers. Minor cases are settled by him with two or three members of the council and the elders of the ward to which the litigant belongs. The procedure is informal and discussion rarely becomes heated. The authority of these courts is gradually being surrendered to the officially recognized courts. Cases requiring formal justice are referred to the
671 Native Court under the professional Moslem judge (*Alkali*) of the District.
692 In modern Nupe, Moslem law is paramount; the judges (pl. *Alkalai*) reside in Bida and the other Districts. The Bida town court is both a local court and appeal court for the Districts. The *Etsu* and his councillors form a higher court of appeal for cases concerned with land.

671 A marked disparity has been reported between Moslem law and the traditional
182 culture, particularly in rural communities, where the social and economic conditions differ most widely from the social life of which Moslem law is an expression. Peasants who were familiar with and understood the old customary law, often insist, when they come before the courts, on being accompanied by a mallam or person of standing who is familiar with the " new " law.

Among the Kyedye the *Alkali* holds his court in Muregi; the *Kuta* (chief) and delegates (district heads) have no judicial authority.

692 Jurisdiction over grave crimes was formerly the responsibility of the *Etsu*
696 Nupe. The death penalty was exacted for theft in the night, " big theft," murder, and treason. Traditionally the only villages in which executions could be performed were the *ledu* (pl. *leduzhi*) villages—Jebba, Gbere, Tada, Jiragi, Sulati, Fofo, Taiji, and Cewuru, which lie along the banks of the Niger 10 to 15 miles apart, between Jebba in the north and Eggan in the south. The king's hangmen resided here and a criminal was generally taken for execution to the *ledu* village nearest to his home.

778 Each of these villages possesses a " chain of Tsoede," generally kept at the
782 chief's house; it is a typical heavy iron slave or prison chain, up to 30 ft. long, with arm- and leg-irons. Traditional sacrifices of beer and blood are made to it, and it protects the village from sickness and brings fertility to women. Jebba and Tada, the oldest of the *leduzhi*, also possess bronze figures.[87]

INHERITANCE

428 The personal property of men is inherited by their sons, that of women by their daughters. The family farm goes to the relative next in seniority, younger brother or eldest son, in the classificatory sense.[88]

586 A widow may be inherited by her husband's sister's son or her husband's younger brother; custom forbids remarriage with an elder brother. Islam, however, allows remarriage with elder or younger brother.[89]

LAND TENURE

423 Land tenure in different parts of the country has been variously affected by two factors, namely the appropriation as estates held by the nobility of parts of the tribal lands after the Fulani conquest, and the density of population.

The royal house of Bida holds the title to certain lands by right of conquest. Land was also bestowed on others by the royal house for services rendered, and all individual titles to land are held to be ultimately derived from this one source. The clearing and first hoeing of the royal estates is done by large-scale communal labour. The subsequent work was formerly done by slaves, but to-day by paid labour.

Most of the appropriation of land occurred in the area east of the Kaduna River. Here population is more dense and there is a complex system of land ownership and transfer. Owing to the consequent shortage, disputes are frequent and particu-

[87] Nadel, 1942, pp. 56–8, 165–79; 1940a, p. 181; 1935b.
[88] Nadel, 1942, pp. 31–2, 245.
[89] Nadel, 1954a, pp. 249–50.